

UNITED STATES DISTRICT COURT RECEIVED

MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

2007 NOV 21 P 1:58

HORTON HOMES, INC.,

Plaintiff,

v.

**LARUE BANDY, MARIE BANDY, PATRICK
PRITCHETT, WILLIAM SHANER, ELSIE
FONDREN AVERETTE, WILLIAM
CRUTHIRDS, and SHERRIE CRUTHIRDS,**

Defendants.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No.

2:07-CV-506-MEF

PRELIMINARY INJUNCTION BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 3976338

That we, HORTON HOMES, INC. as Principal and The Ohio Casualty Insurance Company, a corporation duly authorized to do surety business in the State of Alabama, as Surety, are held and firmly bound unto LARUE BANDY, MARIE BANDY, PATRICK PRITCHETT, ELSIE FONDREN AVERETTE, WILLIAM CRUTHIRDS AND SHERRIE CRUTHIRDS, as Obligees, in the agreed-upon sum of not to exceed EIGHT HUNDRED THOUSAND AND NO/100 DOLLARS (\$800,000.00), for the payment of which well and truly made, we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION of the above obligation is that:

WHEREAS, the Principal has requested a preliminary injunction against the Obligees in this action conditioned on the posting of adequate security for the payment of costs and damages sustained by any party found to have been wrongfully enjoined or restrained, and

WHEREAS, the Surety identified herein and the amount of such security as set forth above have been approved and agreed to by the Obligees,

NOW, THEREFORE, if the Principal will pay the costs and damages sustained by any party found by the Court to have been wrongfully enjoined or restrained, then this obligation to be void; otherwise to remain in full force and effect. In no event shall the total liability of the Surety for all breaches of the condition of this bond exceed the amount stated above.

DATED this the 6th day of November, 2007.

Principal: HORTON HOMES, INC.

By [Signature]
Its PRES

Countersigned

Surety: THE OHIO CASUALTY
INSURANCE COMPANY

By Suzanne Y. Walker By Shirley F. Dukes
Resident Agent Suzanne Y. Walker Attorney-in-fact Shirley F. Dukes

*This supersedes Bond and Surety are hereby APPROVED
this 21st day of November, 2007.*

- 2 -

*Debra P. Shackett
Clerk U.S. District Court
Middle District of Alabama*

**CERTIFIED COPY OF POWER OF ATTORNEY
THE OHIO CASUALTY INSURANCE COMPANY
WEST AMERICAN INSURANCE COMPANY**

No. 39-634

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby nominate, constitute and appoint: **Greg Keller, Suzanne Y. Walker, Shirley F. Dukes or Sandra L. Petty of Newnan, Georgia** its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance **TWO MILLION (\$2,000,000.00) DOLLARS**, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this **3rd day of November, 2006**.



Sam Lawrence

Sam Lawrence, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this **3rd day of November, 2006** before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came **Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY**, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Cheryl S. Gregory

Notary Public in and for County of Butler, State of Ohio
My Commission expires August 6, 2007.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof, to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this **6th** day of **November** **2007**



Mark E. Schmidt

Assistant Secretary

AO82 SWEDA
(Rev. 4/91)

ORIGINAL

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the

0954

MIDDLE DISTRICT OF ALABAMA

at MONTGOMERY

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publication
322350	Copy Fees
322360	Miscellaneous
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution of U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Filings Spec. Acct.
510100	Registry Admin. Acct.

11/21/07

CASE REFERENCE:

2:07-CV-506-MEF

RECEIVED FROM

Horton Homes Inc.Preliminary Inj. Bond
(original in vault)Pltf's Attorney: James L. Paul
Sydney Fletcher Frazer Jr.
Thomas C. Grant

DEPUTY CLERK

FOR

Checks and drafts are accepted subject to collection and full
credit will only be given when the check or draft has been
accepted by the financial institution on which it was drawn.

THIS IS A RECEIPT, NOT A BILL